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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JONATHAN RYAN NIELSEN,

Defendant and Appellant.

F056335

(Super. Ct. No. VCF198687B)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. Joseph A. Kalashian, Judge.

Victor S. Haltom, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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*Before Vartabedian, Acting P.J., Dawson, J., and Kane, J.

On February 16, 2008, appellant, Jonathan Ryan Nielsen, was outside a bar when Ronnie Hamilton approached him and asked for money. When Nielsen told Hamilton he did not have any, Hamilton started walking away and called Nielsen a “cracker.” The two men argued and Nielsen struck Hamilton on the head a few times, leaving him on the roadway unconscious. Hamilton was subsequently run over by a car driven by Veronica Osorio. Osorio had a blood-alcohol content of 0.099 percent. Hamilton had a blood-alcohol content of 0.34 percent and was under the influence of cocaine.

On June 2, 2008, the district attorney filed an information charging Nielsen with murder (count 1/Pen. Code, § 187, subd. (a)).

On August 28, 2008, the prosecutor amended count 1 to charge Nielsen with assault by means of force likely to cause great bodily injury (Pen. Code, § 245, subd. (a)(1)) and to add a great bodily injury enhancement (Pen. Code, § 12022.7). Nielsen then pled no contest to the amended charge and admitted the enhancement in exchange for a stipulated sentence of seven years.

On September 30, 2008, the court sentenced Nielsen to an aggregate seven-year term, the aggravated term of four years on his assault conviction and a three-year great bodily injury enhancement.

Nielsen’s appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Nielsen has not responded to this court’s invitation to submit additional briefing.

Following independent review of the record we find that no reasonably arguable factual or legal issues exist.

The judgment is affirmed.